

Cox Presses Nixon On Tapes, ITT Data

7/28/73

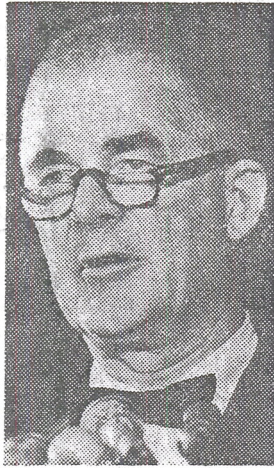
By Susanna McBee
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Special Watergate prosecutor Archibald Cox said yesterday his investigation will be hampered if he cannot obtain the nine tape recordings that the President has refused to give him.

Cox also sought to prod the President into releasing certain documents relating to the International Telephone and Telegraph Corp., the "intelligence file" of former White House counsel John W. Dean III and an inventory of Watergate files and papers.

On May 22, Mr. Nixon pledged "full support" to Cox's investigation of the Watergate scandals and their cover-up and added, "It is also my understanding that the information which has been conveyed to me has also become available to those prosecuting these matters."

However, the President refused to turn over tapes of his conversations with certain aides and a variety of documents sought both by Cox and the Senate Watergate committee, citing the



ARCHIBALD COX
... "material evidence"

doctrines of executive privilege and separation of powers.

On Monday, Cox and the committee issued subpoenas for the material. The President again declined to supply most of it on Thursday. Cox immediately obtained a U. S. District Court order demanding that Mr. Nixon "show cause" why he should

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not comply with the Cox subpoena.

The committee is expected to go to court next Monday seeking compliance with its two subpoenas for five tapes and numerous documents.

"Not getting the tapes," Cox told a news conference yesterday, "would hamper the investigation because the evidence is material on a number of issues, particularly on the so-called cover-up and on the question of perjury."

Although he stressed that he intends to push his probe "speedily and vigorously" despite the lack of cooperation in some areas from the

White House, Cox said that the tapes are central to the investigation "quite apart from the issue of the involvement or non-involvement of the President."

They could show a great deal about the activities of other people," he said, noting that attorneys for some Watergate committee witnesses have warned that if their clients are indicted, they will move to dismiss the charges on the ground

that the tapes could prove innocence.

"Part of the reason for seeking the tapes is that one doesn't know what they will say," Cox continued. "We shouldn't assume guilt. They may show the innocence of people in the case. That is of as much concern to me as guilt."

Cox said Mr. Nixon's lawyers may argue that some material on the tapes is irrelevant to the investigation or that it is a national security matter that ought to be privileged.

In that case, the prosecutor said, the White House might turn over the material to him and Mr. Nixon's lawyers, who would cull it together for items specifically relevant to Watergate. Or, he added, it might submit the tapes to him alone, and he would cull them for the special grand jury investigating the case, or it might hand them to a judge, who could "excise those parts that were both confidential and irrelevant."

Cox comment came only a few hours before U.S. District Court Judge William B. Jones granted a motion that, in effect, denied the government's blanket claim of executive privilege for dozens of documents in a case involving a challenge to its 1971 increase in milk price supports. Jones decided he would examine the documents himself to see if executive privilege applies and then determine which documents, if any, the challengers may see.

Cox, in disclosing that he has asked for White House documents on the ITT case, said, "I haven't had a flat turnaround" but complained that his request "has been pending for some time."

He called the ITT material "of the utmost importance" in determining whether there was obstruction of justice during a Securities and Exchange Commission probe of ITT's merger with the Hartford Fire Insurance Co. and the possibility of "insider" stock trading by corporate officials.

It has also been alleged—and ITT has denied—that the conglomerate got a favorable settlement in three antitrust cases in exchange for a proffered subsidy for the 1972 Republican National Convention.

The issue came up in Senate hearings on the nomination of former Attorney General Richard G. Kleindienst, and Cox has been asked to probe whether any witnesses perjured themselves in the hearings.

Cox also said that he had been unsuccessful in getting from the White House the Dean "intelligence file," which he did not describe but which may include papers on the 1971 White

House "plumbers" unit set up to plug security leaks. And he reported no progress in obtaining the White House inventory of all Watergate materials stored in a third-floor room of the Executive Office Building.

Cox noted that the White House attitude "has certainly been one of cooperation" in turning over diaries, logs, and other material showing dates and times of and participants in certain conferences and telephone conversations. His subpoena moved the President to produce some memos, Cox added.

But the prosecutor clearly showed his frustration in revealing the items that the White House so far has held back. He had refrained from making any public statement so long as he felt he was getting cooperation.

Asked about White House statements that the President would obey a "definitive decision" by the Supreme Court, Cox said he expects such a decision would be definitive and assumes that Mr. Nixon would comply.

The prosecutor indicated he might seek to appeal a District Court decision directly to the Supreme Court, which has been done in rare cases.

He also distinguished his court suit for compliance with his subpoena from the one which the Senate Watergate committee is expected to file Monday.

The committee's civil case seeking a declaratory judgment against Mr. Nixon would be heard, Cox predicted, over "a great deal longer time period."

The Senate's need for the information relates to formulating legislation, Cox said. "Our need is for particular information . . . about a possible criminal offense or offenses."

Another significant difference, he added, involves precedents. The grand jury need for information would end with its investigation "while the Senate need could arise again and again."

Asked if he was claiming he has a better case than the Senate Committee does, he replied, "No, I'm just citing the differences."

Cox was also asked about a White House letter he received reminding him that as a member of the executive branch, he ultimately answers to the President, as well as a statement by his immediate boss, Attorney General Elliot L. Richardson, that Cox may not necessarily be entitled to the Nixon tapes.

"This raises a question about your independence," a reporter said. "To whom are you answerable?"

"I guess to the people and to my conscience," Cox replied.